

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2011

Agenda Item: Clark Fork, Bitterroot and Blackfoot Rivers Administrative Rules

Division: Fish & Wildlife

Action Needed: Approval of Final Rules

Time Needed on Agenda for this Presentation: 60 minutes

Background: On May 12 the FWP Commission proposed amendments to the administrative rules for the Clark Fork, Bitterroot and Blackfoot rivers. The rules regulate motorboats with exceptions allowed for time of year, section of river, and/or horsepower. The proposed amendments were in response to public concern for the safety of river users in the presence of motorboats and the viewpoint that motorboats are negatively impacting the recreational experience and property owners along the river. They reflect the removal of Milltown Dam. They aren't specifically for addressing resource impacts, e.g., wildlife and bank erosion.

Public Involvement Process & Results: EA; public notice in Montana Administrative Register, FWP website, newspapers; news release; hearing (148 people). FWP received 647 comments. 473 (73%) provided *general support* for restricting motorized use; 157 (24%) provided *general opposition* to restricting motorized use; and 17 (3%) neither. Supporters cited safety and noise concerns. Opponents cited loss of motorized opportunities or need for multiple use recreation. One petition (227 signatures) and 92 form-letter postcards supported motorized restrictions. Two petitions (170 and 97 signatures) opposed motorized restrictions. There were mixed responses to the proposed rules in particular sections of the rivers and this led to modifications of the original proposal. **FWP will accept additional comments until 5 p.m. October 7 on the proposal to prohibit personal watercraft on the sections of rivers governed by these rules (see Decision Notice for information).** The Department will present a summary of the additional comments at the Commission meeting. The comment period for the remainder of the proposals has closed.

Alternatives and Analysis: **A) No Action.** Retain existing rules, which would appeal to those satisfied with current rules/conditions but wouldn't address concerns about safety and social conflicts. **B) Adopt rules proposed on May 12.** This would address safety and social conflict concerns but could be improved to reflect public comments. **C) Adopt modified version of proposed rules.** Modifications reflect public comments, Draft EA, and staff input. Summary:

- Blackfoot, Clark Fork rivers (near old Milltown Reservoir): Closed to all motorboats.
- Clark Fork River (Milltown to Kelly Island Fishing Access Site[FAS]/Grass Valley Diversion [GVD]): Closed to motorboats.
- Clark Fork River (Kelly Island FAS/GVD to Harper's Bridge FAS): Closed to personal watercraft (PWC) year-round; motorboats other than PWC allowed May 1–June 15 (no restriction on motor size) and Oct. 1–Jan. 31 (20hp or less).
- Clark Fork River (Harper's Bridge FAS to St. Johns FAS): Closed to PWC year-round; motorboats other than PWC allowed year-round.
- Bitterroot River (headwaters to Florence Bridge): Closed to PWC year-round; motorboats other than PWC allowed Oct. 1–Jan. 31 (20hp or less).
- Bitterroot River (Florence Bridge to Clark Fork River): Closed to PWC year-round; motorboats other than PWC allowed May 1–June 15 (no restriction on motor size) and Oct. 1–Jan. 31 (20hp or less).

Agency Recommendation & Rationale: FWP recommends Alternative C because it considers public comment and addresses safety concerns and provides opportunities for a variety of users.

Proposed Motion: Alternative C: I move the Commission adopt the proposed rule language as modified for the Clark Fork River, Bitterroot River and Blackfoot River.